

UNITED STATES DISTRICT COURT
Eastern District of New York

United States of America

DETENTION ORDER PENDING TRIAL

v.

Gaspar Lopez
Defendant

Case No. 19 MJ 527

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that the facts require that the defendant be detained pending trial. In reaching this determination, I have considered the factors set forth in 18 U.S.C. § 3142(g). Further findings of fact made on the record are hereby incorporated by reference. *U.S. v. English*, 629 F.3d (2d Cir. 2011) (reasons for detention "may be embodied in the transcript of the proceedings").

I. Findings of Fact/Reasons Justifying Detention in Presumption Cases

The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and there is probable cause to believe that the person committed an offense, for which he has been charged, as follows:

Type of Offense	Statutory Sections (and Max. Prescribed Prison Term, if any)
<input type="checkbox"/> Controlled Substances	21 U.S.C. §§ 801 <i>et seq.</i> , 951 <i>et seq.</i> or 46 U.S.C. § 70501 <i>et seq.</i> (10 years or more)
<input type="checkbox"/> Use of a Firearm	18 U.S.C. § 924(c)
<input type="checkbox"/> International Terrorism	18 U.S.C. § 956(a) or § 2332b (10 years or more for § 2332b(g)(5)(B))
<input type="checkbox"/> Human trafficking	18 U.S.C. §1581 <i>et seq.</i> (20 years or more)
<input type="checkbox"/> Offense Involving a Minor	18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1-3), 2252A(a)(1-4), 2260, 2421, 2422, 2423, or 2425

As such, as provided in 18 U.S.C. § 3142(e) (2), there is a rebuttable presumption that no conditions or combination of conditions exist that will assure the defendant's appearance and the safety of the community. I find that:

- the defendant has not met the burden of production to rebut the presumption.
- that no conditions or combination of conditions exist that will assure the defendant's appearance and/or the safety of the community.

II. Findings of Fact/Reasons Justifying Detention in Non-Presumption Cases

I find that the testimony and information submitted at the detention hearing establishes that:

there is a serious risk that the defendant will not appear.

- there is a serious risk that the defendant will obstruct justice and/or otherwise endanger the safety of another person or the community.
- Other:

III. Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Dated: Central Islip, NY
June 6, 2019

IS/Gary R. Brown
Honorable Gary R. Brown, U.S.M.J.